

# Supreme Court of Florida

No. AOSC06-13

IN RE: JURY MANAGEMENT SYSTEM

## ADMINISTRATIVE ORDER

Jury service is a hallmark of the American justice system and is essential in effectively ensuring the right to due process. Jury service provides an opportunity for citizens with a variety of life experiences and backgrounds to participate in the justice system. Since 1990, the Court has been engaged in a series of efforts that includes a comprehensive jury management system. In order to ensure that the Florida jury management system continues to operate in a manner that guarantees the constitutional right to trial by jury and simultaneously optimizes citizen jurors' valuable time, the Chief Justice established a Work Group on Standards for Jury Panel Sizes on September 22, 2004.

The Work Group evaluated the impact on the jury management system of a number of factors including the change in the juror source list from voter registration to the driver license and identification card list and the reported difficulty in empanelling a jury in certain types of criminal cases and in complex

or lengthy civil cases. The Work Group determined that updates to the standards for jury panel sizes as well as other corrective measures are needed. Accordingly, the trial courts are directed to proceed immediately with implementation of the corrective measures outlined in this order. This order supersedes the previous administrative orders relating to the jury management system which were issued on March 22, 1995, and October 8, 1990.

Chief judges of the circuit courts shall continue to have primary responsibility for ensuring the effective and efficient operation of the jury management system within their circuit. However, achievement of an effective and efficient jury management system cannot be realized without the cooperation of all judges presiding over jury trials, attorneys presenting cases before the court, personnel in the offices of the clerks of the circuit court, and personnel in the offices of the trial court administrators. The Office of the State Courts Administrator shall continue to coordinate the jury management system and provide technical assistance and training to the trial judges, attorneys, trial court administrators, and clerks of court.

An effective and efficient jury management system achieves three objectives: first, it ensures that an ample supply of jurors is available at the courthouse the day of jury selection; second, it ensures that no citizen is unduly inconvenienced by being unnecessarily summoned or required to report for jury

duty; and third, it ensures that the Florida State Courts System is efficiently using the fiscal resources dedicated for the payment of juror per diem. Toward these ends, each judicial circuit shall comply with the following measures:

1. For purposes of determining the maximum number of jurors to summon, each judicial circuit shall comply with the panel size guidelines indicated in the attached table.
2. The presiding judge may deviate from the panel size guidelines as indicated in the attached table. Deviations from the panel size guidelines may be for the purposes of addressing cases where there are additional criminal case defendants or civil case parties, lengthy trials, high profile trials, or for other extraordinary circumstances.
3. For the purposes of addressing exceptionally rare cases, the presiding judge may exempt complex, lengthy, or high profile cases from the panel size guidelines.

The adoption rationale for these guidelines is consistent with the rationale as stated in the *Jury Management Manual*. That is, the adoption rationale for these guidelines is that using the specific guideline for each case type or with only minor deviations from the specific guidelines as allowed in paragraph number two above, a sufficient number of prospective jurors should be provided for ninety-five percent of all cases involving a jury trial.



In order to advance the achievement of the objectives set forth above, each judicial circuit should comply with the following administrative measures:

- A. The presiding judge and trial attorneys should determine early in the process the number of prospective jurors to summon and when the jurors will be needed.
- B. Prompt notification of the number of prospective jurors to summon and when the jurors will be needed must be provided to the jury manager.
- C. The new guidelines for panel sizes should be used by the presiding judge, trial attorneys, jury managers, and others as a tool for determining the number of prospective jurors to summon and report for jury duty. The new guidelines should not be used as the sole determining factor to limit the number of jurors being sent to a courtroom for voir dire.
- D. Collaboration and communication between the presiding judge, trial attorneys, jury managers, and all other relevant persons associated with the management of cases and jurors is the most important factor in ensuring an ample supply of jurors is available at the courthouse the day of jury selection while eliminating or at least minimizing inconvenience to our citizen jurors. Delays, continuances, mistrials,

or unnecessarily inconveniencing our citizens due to a failure to collaborate or share information are unacceptable.

In addition to the measures described above, chief judges, presiding judges, trial court administrators, and jury managers should initiate and aggressively implement measures to improve the summoning yield throughout their jurisdiction. Chief judges should consider the imposition of specific sanctions designed to gain compliance with the jury summons. To ensure juror compliance, chief judges should also consider developing an educational initiative designed to explain to jurors at the time of reporting for jury service the importance of jury service as well as the sanctions and remedies available to the court for failing to comply with the juror summons.

Chief judges, presiding judges, trial court administrators, and jury managers should endeavor to increase citizen participation in the jury process. Toward this goal, chief judges, presiding judges, trial court administrators, and jury managers should strive to maximize the efficient use of jurors reporting for service and should continue the juror appreciation efforts initiated as part of the 2005 Law Day activities.

The clerk of the circuit court or the trial court administrator, if so designated by the chief judge, shall continue to report the activity of all jury cases before all courts within that jurisdiction to the Supreme Court in the manner and format

established by the Office of the State Courts Administrator and approved by the Chief Justice.

The Office of the State Courts Administrator is directed to implement changes to the Jury Management Report form in order to capture the data necessary for measuring and evaluating the jury management operations throughout the state. The changes to the Jury Management Report form should be designed to ensure the data collected are meaningful for the purpose of measuring and evaluating compliance with the new guidelines for jury panel sizes.

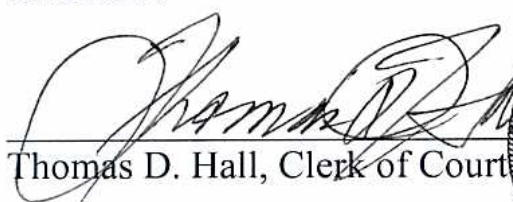
The Office of the State Courts Administrator is also directed to provide technical assistance to the trial courts, upon request, to aid in their efforts to implement the directives included in this order.

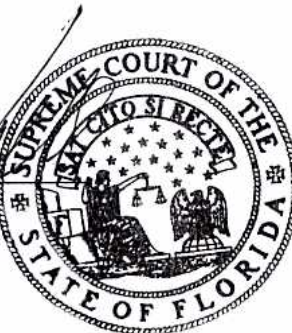
The guidelines and standards set forth herein shall be implemented immediately.

DONE AND ORDERED at Tallahassee, Florida, on June 9, 2006.

  
Chief Justice Barbara J. Pariente

ATTEST:

  
Thomas D. Hall, Clerk of Court





## Panel Size Guidelines

Panel Size Guidelines for Typical Cases			<b>Guidelines for Exempted Cases**</b>  Jury Panel Size to be Established by the Presiding Judge and Parties (Prompt notification to jury managers will be required.)
Case Type	Guideline	Acceptable Deviations* (with approval of presiding judge)	
Death penalty cases	No greater than 50	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Other 12 person juries (criminal or civil) and life felonies	No greater than 40	Plus 3 for each additional defendant/party; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Sexual battery cases w/ child	No greater than 30	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Sexual battery cases no child	No greater than 25	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Other circuit criminal cases	No greater than 22	Plus 2 for each additional defendant; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Other circuit civil cases	No greater than 22	Plus 2 for each additional party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Domestic violence cases	No greater than 16	Plus 2 for each additional party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Driving under the influence cases	No greater than 16	Plus 2 for each additional defendant; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Other county cases	No greater than 14	Plus 2 for each additional defendant/party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	

\*These deviations from the guidelines must be approved by the presiding judge. Deviations may be cumulative given case specifics. However, such deviations should not exceed 20 jurors above the guideline. Lengthy trials are those predicted to last more than five days. High profile trials are those receiving a significant amount of publicity as determined by the presiding judge. Extraordinary circumstances are any other factors that may impact the voir dire process as determined by the presiding judge.

\*\*Exemptions may be granted for complex, lengthy, or high profiles cases as determined by the presiding judge.